

## REMARKS

### I. Summary of Office Action

Claims 1-8, 11-27, 37-44, 47-63, 73-80, and 83-99 were pending in the above-identified application.

The Examiner rejected claims 1, 2, 11-14, 37, 38, 47-50, 73, 74, and 83- 86 under 35 U.S.C. § 103(a) as being unpatentable by Brown U.S. Patent No. 5,822,530 (hereinafter "Brown") in view of Rodriguez et al. U.S. Patent Publication No. 2005/0071882 (hereinafter "Rodriguez") in further view of Cave U.S. Patent No. 5,859,641 (hereinafter "Cave").

The Examiner rejected claims 3, 15, 17, 18, 22-26, 39, 51, 53, 54, 58-62, 75, 87, 89, 90, and 94-98 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Rodriguez in further view of Cave in further view of Haddad U.S. Patent Application No. 2005/0097619 (hereinafter "Haddad").

The Examiner rejected claims 5-8, 41-44, and 77-80 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Rodriguez in further view of Cave in further view of Schumacher et al. U.S. Patent No. 6,757,907 (hereinafter "Schumacher").

The Examiner rejected claims 16, 52 and 88 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Rodriguez in further view of Cave in further view of Haddad and Schumacher.

The Examiner rejected claims 4, 19-21, 40, 55-57, 76, and 91-93 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Rodriguez in further view of Cave in view of Shah-Nazaroff et al. U.S. Patent No. 6,157,377 (hereinafter "Shah-Nazaroff").

The Examiner rejected claims 27, 63, and 99 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Rodriguez in further view of Cave in further view of Haddad and Shah-Nazaroff.

II. Summary of Applicant's Reply

Applicants have amended claims 1, 11, 12, 15, 18-20, 22, 37, 73, 87, 90-92 and 94 to more particularly define the invention. The claim amendments are fully supported by the application as originally filed and therefore do not add new matter. *See e.g.*, paragraphs 0106, 0107, 0139, 0162 and 0163 as well as Figs. 14, 23 and 31 of applicants' specification. The Examiner's rejections are respectfully traversed.

III. Applicants' Reply

A. Claims 1, 2, 11-14, 37, 38, 47-50, 73, 74, and 83- 86

The Examiner rejected claims 1, 2, 11-14, 37, 38, 47-50, 73, 74, and 83- 86 under 35 U.S.C. § 103(a) as being unpatentable by Brown in view of Rodriguez in further view of Cave. The Examiner's rejection is respectfully traversed.

Applicants' independent claims 1, 37 and 73 are directed towards managing the distribution of on-demand media using an interactive television application. A request for on-demand media, which is associated with a suggested bandwidth for transmission, is received from a user. An available bandwidth for the transmission of the on-demand media to the user is determined and compared to the suggested bandwidth. Subsequently, the user is provided with a plurality of options that relate to the transmission of the on-demand media at a future time or at a reduced bandwidth. The options are based at least partially on the comparison of the suggested bandwidth to the available bandwidth. These options include transmitting the requested on-demand media at a future time or at a reduced bandwidth. In addition, a plurality of sessions that are available for downloading the requested on-demand media over a range of future days are presented to the user on a display.

Brown refers to an interactive communication system for processing requests for video-on-demand media. In one embodiment, the system receives a request to transmit a video-on-demand version of an application, and determines whether the system's resources would be constrained with the video-on-demand transmission. If the system would not be constrained, the

video-on-demand version is provided. Otherwise the system either denies the request or transmits a near-video-on-demand version of the application. *See Brown*, column 2, lines 46-62.

Rodriguez refers to a bandwidth allocation system that dynamically creates a bandwidth allocation schedule for a pre-determined bandwidth based on allocation criteria. The system includes a bandwidth allocation manager that creates the bandwidth allocation schedule by assigning content delivery modes to digital transmission channels. The allocation criteria include subscriber criteria such as subscriber reservation request, a subscriber profile and a subscriber priority. *See Rodriguez*, paragraphs 0012 and 0013.

Cave refers to a system that allows a user to schedule the delivery of media objects within varying constraints of available bandwidth. *See Cave*, Abstract. In one embodiment, the system allows a system designer to add, remove or re-schedule media objects using media playback icons arranged in a playback grid. *See Cave*, Fig. 2A and column 7, lines 4-22. The system also provides a graphical display of the bandwidth constraint selected by the system designer, and arranges download icons within the bandwidth constraint to correspond to media playback icons. *See Cave*, Fig. 2C and column 8, lines 26-42.

Applicants respectfully submit that the combination of Brown, Rodriguez and Cave fails to teach or suggest all of applicants' features as defined in the independent claims. In fact, Brown, Rodriguez and Cave do not even contemplate, let alone solve, the problem addressed by applicants' invention. Applicants' invention provides a user with options for transmitting requested on-demand media based on a comparison between suggested and available bandwidth for the on-demand media. The options provided allow the user to transmit the on-demand media either at a future time or at a reduced bandwidth. For example, as shown in Fig. 14 of applicants' specification and recited in claims 15, 20 and 22, the options provided include allowing the user to request a reduced-bandwidth version of the on-demand media, allowing the user to schedule a future time for viewing the on-demand media and allowing the user to schedule a recording of the on-demand media at a future time. *See Specification*, paragraphs 0106 and 0107.

To help the user make an informed decision when choosing between the options provided, the system also presents the user with a plurality of sessions that are available for downloading the requested on-demand media over a range of future days. For example, Figs. 23 and 31 of applicants' specification present sessions that are available for downloading a Flipper – The Revenge over a range of seven days. As shown in the figures, Sunday has the highest number of sessions while Friday has the lowest. After seeing the sessions available, a user can make a well-informed decision about which option to choose to receive the requested on-demand media from the options that are provided. *See* Specification, paragraphs 0139, 0162 and 0163.

Even though Brown refers to providing a requested video-on-demand application, denying a requested video-on-demand application or transmitting a near-video-on-demand version of the application, nowhere does Brown disclose presenting these options to a user. Moreover, nowhere does Brown disclose presenting a plurality of available download sessions to help the user choose between these options. Since Brown's invention is concerned with providing a system solution when a video-on-demand application is requested, Brown's system does not provide the user with options relating to the transmission of requested video-on-demand version at, for example, a future time.

Additionally, even though the bandwidth allocation manager in Rodriguez creates a bandwidth allocation schedule based on allocation criteria, Rodriguez does not teach or suggest involving the subscriber in the creation of the bandwidth allocation schedule by providing the subscriber with options and presenting available download sessions. While the system receives subscriber input such as subscriber reservation requests and subscriber priorities, the system does not provide options related to future or reduced-bandwidth transmissions, nor does it present sessions that are available for downloading on-demand media over a range of future days as recited by amended independent claims 1, 37 and 73.

Furthermore, although Cave allows a system designer to organize the delivery of various media objects within a bandwidth constraint, Cave does not present the system designer with sessions that are available for downloading the media objects over a range of future days. For instance, Fig. 2C of Cave merely shows how a number of media objects have been scheduled

to be transferred within a bandwidth constraint of 255kBps during a time interval of 16 seconds. The user can adjust how these media objects occupy the existing bandwidth for delivery in the immediate future. However, what is disclosed by Cave's system in Fig. 2C or elsewhere is clearly not sessions that are available for downloading media objects over a range of future days. Moreover, Cave does not provide options relating to transmitting media objects at a future time or at a reduced bandwidth.

From the above, it is clear that none of Brown, Rodriguez or Cave teaches or suggests: (1) providing options for transmitting media at a future time or at a reduced bandwidth; and (2) presenting sessions that are available for downloading the media over a range of future days, as required by amended independent claims 1, 37 and 73.

Thus, applicants submit that Brown, Rodriguez and Cave, whether alone or in combination, fail to teach or suggest all the features of independent claims 1, 37 and 73. Therefore, there is no *prima facie* case of obviousness, and applicants respectfully request that the 35 U.S.C. § 103(a) rejection of allowable independent claims 1, 37 and 73 be withdrawn. Because claims 2, 11-14, 38, 47-50, 74, and 83- 86 directly or indirectly depend from allowable independent claims 1, 37 and 73, the § 103(a) rejection of these claims should also be withdrawn.

B. Claims 3, 15, 17, 18, 22-26, 39, 51, 53, 54, 58-62, 75, 87, 89, 90, and 94-98

The Examiner rejected claims 3, 15, 17, 18, 22-26, 39, 51, 53, 54, 58-62, 75, 87, 89, 90, and 94-98 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Rodriguez in further view of Cave in further view of Haddad.

Applicants have demonstrated above that independent claims 1, 37 and 73 are allowable. Because claims 3, 15, 17, 18, 22-26, 39, 51, 53, 54, 58-62, 75, 87, 89, 90, and 94-98 depend from allowable claims 1, 37 and 73, applicants respectfully submit that claims 3, 15, 17, 18, 22-26, 39, 51, 53, 54, 58-62, 75, 87, 89, 90, and 94-98 are also allowable. Applicants therefore request that the rejections of these claims under 35 U.S.C. § 103(a) be withdrawn.

C. Claims 5-8, 41-44, and 77-80

The Examiner rejected claims 5-8, 41-44, and 77-80 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Rodriguez in further view of Cave in further view of Schumacher.

Applicants have demonstrated above that independent claims 1, 37 and 73 are allowable. Because claims 5-8, 41-44, and 77-80 depend from allowable claims 1, 37 and 73, applicants respectfully submit that claims 5-8, 41-44, and 77-80 are also allowable. Applicants therefore request that the rejections of these claims under 35 U.S.C. § 103(a) be withdrawn.

D. Claims 16, 52 and 88

The Examiner rejected claims 16, 52 and 88 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Rodriguez in further view of Cave in further view of Haddad and Schumacher.

Applicants have demonstrated above that independent claims 1, 37 and 73 are allowable. Because claims 16, 52 and 88 depend from allowable claims 1, 37 and 73, applicants respectfully submit that claims 16, 52 and 88 are also allowable. Applicants therefore request that the rejections of these claims under 35 U.S.C. § 103(a) be withdrawn.

E. Claims 4, 19-21, 40, 55-57, 76, and 91-93

The Examiner rejected claims 4, 19-21, 40, 55-57, 76, and 91-93 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Rodriguez in further view of Cave in view of Shah-Nazaroff.

Applicants have demonstrated above that independent claims 1, 37 and 73 are allowable. Because claims 4, 19-21, 40, 55-57, 76, and 91-93 depend from allowable claims 1, 37 and 73, applicants respectfully submit that claims 4, 19-21, 40, 55-57, 76, and 91-93 are also allowable. Applicants therefore request that the rejections of these claims under 35 U.S.C. § 103(a) be withdrawn.

F. Claims 27, 63, and 99

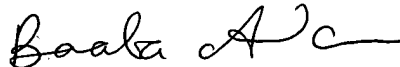
The Examiner rejected claims 27, 63, and 99 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Rodriguez in further view of Cave in further view of Haddad and Shah-Nazaroff.

Applicants have demonstrated above that independent claims 1, 37 and 73 are allowable. Because claims 27, 63, and 99 depend from allowable claims 1, 37 and 73, applicants respectfully submit that claims 27, 63, and 99 are also allowable. Applicants therefore request that the rejections of these claims under 35 U.S.C. § 103(a) be withdrawn.

IV. Conclusion

For the reasons set forth above, this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,



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